

INITIAL/DETENTION/PLEA MINUTE SHEET
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO (AT LAS CRUCES)

CR 21-221 KG		UNITED STATES vs. GARCIA			
Before The Honorable Kevin R. Sweazea, United States Magistrate Judge					
Hearing Date:	3/23/2021	Time In and Out:	11:29 a.m.-12:08 p.m. (39 min)		
Clerk:	V. Ruiz	Digital Recording:	LC-Sierra Blanca		
Defendant:	DAVID A. GARCIA	Defendant's Counsel:	BERNADETTE SEDILLO		
AUSA:	CHRIS MCNAIR	Interpreter:	N/A	<input type="checkbox"/>	Sworn
				<input type="checkbox"/>	Waived
<input checked="" type="checkbox"/>	Defendant Sworn		<input checked="" type="checkbox"/>	First Appearance	
<input checked="" type="checkbox"/>	Consent to proceed before a magistrate judge executed with full knowledge of meaning and effect.				
<input checked="" type="checkbox"/>	Deft acknowledges receipt of: Information				
<input checked="" type="checkbox"/>	If Deft proceeding by way of information, Deft acknowledges right to an indictment and waives that right.				
<input checked="" type="checkbox"/>	Terms and conditions of proposed plea agreement explained.		<input checked="" type="checkbox"/> Defendant indicates understanding of its terms.		
<input checked="" type="checkbox"/>	Factual predicate to sustain the plea provided.				
<input checked="" type="checkbox"/>	Deft questioned re Deft's age, education, physical/mental condition, and whether under the influence of alcohol, drugs, or any medication. Deft advised of charge(s), penalties and possible consequences of the plea.				
<input checked="" type="checkbox"/>	Deft advised of constitutional rights, loss of rights, and maximum possible penalties (including imprisonment, fine, supervised release, probation, SPA, restitution, and any forfeitures).				
<input checked="" type="checkbox"/>	Deft questioned re time to consult with attorney and if satisfied with his or her representation.				
<input checked="" type="checkbox"/>	Court finds Deft fully understands charge(s) and the consequences of entering a guilty plea to that charge (or those charges).				
<input checked="" type="checkbox"/>	Deft pleads GUILTY to: Information				
<input checked="" type="checkbox"/>	Allocution by Deft on elements of charge(s).				
<input checked="" type="checkbox"/>	Court finds plea freely, voluntarily, and intelligently made; plea of guilty accepted.				
<input checked="" type="checkbox"/>	Deft adjudged guilty.				
<input checked="" type="checkbox"/>	Acceptance of plea agreement deferred until final disposition hearing by district judge.				
<input checked="" type="checkbox"/>	Sentencing Date: to be notified				
<input checked="" type="checkbox"/>	Defendant to Remain in Custody - DETAINED AS A FLIGHT RISK/DANGER TO COMMUNITY				
<input type="checkbox"/>	Present conditions of release continued		<input type="checkbox"/>	Conditions changed to:	
<input type="checkbox"/>	Penalty for failure to appear explained				
<input checked="" type="checkbox"/>	Presentence Report Ordered		<input type="checkbox"/>	Expedited (Type III)	

<p>Other Matters: ALL PARTIES PRESENT THROUGH VIDEO CONFERENCE. COURT FINDS DEFENDANT CONSENTED TO PROCEED BY VIDEO AND WAIVED THE RIGHT TO APPEAR IN PERSON. THE COURT ALSO FINDS THAT THE COURT CANNOT CONDUCT THIS PLEA HEARING IN PERSON WITHOUT SERIOUSLY JEOPARDIZING PUBLIC HEALTH AND SAFETY AND PURSUANT TO THE ADMINISTRATIVE ORDER. AFTER HEARING FROM DEFENSE COUNSEL, THE COURT ALSO FINDS THAT THIS GUILTY PLEA CANNOT BE FURTHER DELAYED WITHOUT DOING SERIOUS HARM TO THE INTEREST OF JUSTICE.</p>
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